

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JORGE ALBERTO VARGAS

Case No. 2:15-cv-00763-MMD-NJK

Petitioner.

## ORDER

v.

DEPARTMENT OF HOMELAND  
SECURITY,

## Respondent.

Petitioner has filed an amended petition for writ of habeas corpus under 28 U.S.C. § 2241 (dkt. no. 7). The Court has reviewed the petition, and the Court must dismiss this action.

Petitioner is challenging the decisions to remove him from the United States, to deny him asylum, and to deny him cancellation of removal. To the extent that judicial review of these decisions is available, it is through a petition for review filed in the Court of Appeals for the Ninth Circuit, not through a habeas corpus petition filed in this Court. 8 U.S.C. § 1252. This Court does not have jurisdiction to consider plaintiff's claims. The Court makes no statement about the merits of, or procedural defenses against, any petition for review that petitioner files with the court of appeals.

Reasonable jurists would not find this Court's conclusion to be debatable or wrong, and the Court will not issue a certificate of appealability.

It is therefore ordered that this action is dismissed without prejudice for lack of jurisdiction. The Clerk of the Court shall enter judgment accordingly and close this action.

It is further ordered that a certificate of appealability is denied.

DATED THIS 28<sup>th</sup> day of October 2015.



MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE